

Patrick Moscatello, Esq. PM3747
90 Washington Street
Long Branch, NJ 07740
(732) 870-1370
Attorney for Debtor

last revised 08/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE

THOMAS M. RICCHIUTI
and
JENNIFER M. RICCHIUTI

Case No.: 17-14780/CMG

Judge: Christine M. Gravelle

Chapter: 13

Debtor(s).

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☒ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: November 27, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the Court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The Debtors have paid \$1,242.00 to date and shall pay \$302.00 per month to the Chapter 13 Trustee, starting on December 1, 2017 for approximately 27 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
- ☐ Other sources of funding (describe source, amount & date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of the plan: _____

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to [creditor].

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the Debtor(s) outside of the Plan, pre-confirmation to [creditor].

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|--------------------------|------------------|-------------------|
| Patrick Moscatello, Esq. | Attorney's Fees | \$2,500.00 |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditors (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be paid to Creditor (in Plan) | Regular Monthly Payment(Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|---------------------------------------|
| | | | | | |

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid Through Plan |
|--------------------------|-------------------------|----------------|------------------------|----------------|--|----------------------|--------------------------------------|
| Monmouth Plastic Surgery | Residential Real Estate | \$3,509.39 | \$371,002.00 | \$426,311.51 | \$3,509.39 | 0.00% | \$0.00 |
| Slomin's Inc. | Residential Real Estate | \$2,576.09 | \$371,002.00 | \$426,311.51 | \$2,576.09 | 0.00% | \$0.00 |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|-----------------|---------------------------------|---------------------------------|--------------------------|
| Bank of America | 23 Moak Drive, Hazlet, NJ 07730 | \$371,002.00 | \$396,311.51 |
| Bank of America | 23 Moak Drive, Hazlet, NJ 07730 | \$371,002.00 | \$30,000.00 |

| | | | |
|---------------------------------------|---|-------------|-------------|
| Orange Lake County | Timeshare | \$4,999.00 | \$11,577.00 |
| Harley Davidson Financial Services | 2012 Harley Davidson Dyna Super Glide | \$10,550.00 | \$12,276.00 |

d. Secured Claims Unaffected by Plan

The following secured claims are unaffected by the Plan:

Thrift Investment Corp - 2006 Ford Explorer

e. Secured Claims to be paid in full through the Plan

| Creditor | Collateral | Total Amount to be Paid through the Plan |
|----------|------------|---|
| | | |

Part 5: UNSECURED CLAIMS

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ to be distributed *pro rata*
- ☐ Not less than 0.00% percent
- ☒ *Pro rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

| Creditor | Basis for Separate Classification | Treatment | Amount to be Paid |
|----------|--------------------------------------|-----------|-------------------|
| | | | |

Part 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

All executory contracts and unexpired leases are rejected, **except** the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|--------------|-----------------------------|---------------------|
| Acar Leasing | 2015 Buick Encore | Assume |

Part 7: MOTIONS

NOTE: All Plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.L. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the property | Amount of Lien To be Avoided |
|--------------------------|-------------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| Monmouth Plastic Surgery | Residential Real Estate | Judgment | \$3,509.39 | \$371,002.00 | \$23,700.00 | \$426,311.51 | \$3,509.39 |
| Slomin's Inc. | Residential Real Estate | Judgment | \$2,576.09 | \$371,002.00 | \$23,700.00 | \$429,820.90 | \$2,576.09 |

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|----------|------------|-----------------------------------|
| | | |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|-----------------------------|--|
| | | | |

Part 8: OTHER PLAN PROVISIONS

a. Vesting of Property of the Estate. Property of the Estate shall re-vest in the Debtor:

☒ Upon Confirmation

☐ Upon Discharge

b. Payment Notices.

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution.

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Administrative Claims
- 3) Secured Claims
- 4) Priority Claims
- 5) Unsecured Claims

d. Post-petition claims.

The Trustee ☐ is ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below:

Date of Plan being modified: April 14, 2017

| Explain below why the Plan is being modified. | Explain below how the Plan is being modified. |
|--|--|
| Stay was vacated on vehicle | Harley Davidson moved from Section 4d to Section 4c |

Are Schedules I & J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign the Plan.

Date: November 27, 2017

/s/ Patrick Moscatello

Patrick Moscatello
Attorney for the Debtor

We certify under penalty of perjury that the foregoing is true and correct.

Date: November 27, 2017

/s/ Thomas M. Ricchiuti

Thomas M. Ricchiuti, Debtor

Date: November 27, 2017

/s/ Jennifer M. Ricchiuti

Jennifer M. Ricchiuti, Joint Debtor

Certificate of Notice Page 8 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Thomas M Ricchiuti
 Jennifer M Ricchiuti
 Debtors

Case No. 17-14780-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 3
 Total Noticed: 66

Date Rcvd: Nov 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 30, 2017.

db +Thomas M Ricchiuti, 22 Manchester Avenue, Kayport, NJ 07735-1845
 jdb +Jennifer M Ricchiuti, 222 4th Street, Hazlet, NJ 07734-2918
 intp +Steven D. Schwartzman, Bonfiglio & Asterita, LLC, 55 North Bridge Avenue, Suite 6, Red Bank, NJ 07701-1093
 cr +Steven D. Schwartzman, Bonfiglio & Asterita, LLC, 900 South Avenue, Suite 101, Staten Island, NY 10314-3427
 cr +Thrift Investment Corporation, 720 King George's Post Road P.O. Box 538, Fords, NJ 08863-0538, UNITED STATES 08863-0538
 516807075 +ACAR Leasing Ltd, POB 183853, Arlington, TX 76096-3853
 516768299 +Acar Leasing, PO Box 398045, Minneapolis, MN 55439-8045
 516695490 +Alliance One Receivables Management, 6565 Kimball Dr., Ste. 200, Gig Harbor, WA 98335-1206
 516695493 +Bank Of America NA, 7105 Corporate Drive, Plano, TX 75024-4100
 516906123 +Bonfiglio & Asterita, LLC, 55 North Bridge Avenue, Suite 6, Red Bank, NJ 07701-1093
 517045405 +Bonfiglio & Asterita, LLC, 900 South Avenue, Suite 101, Staten Island, NY 10314-3427
 516768300 +CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516768301 +E-Z Pass, C/O Retrieval Masters Creditors Bureau, 4 Westchester Plaza, Suite 110, Elmsford, NY 10523-1615
 516768302 +ERC, PO Box 57610, Jacksonville, FL 32241-7610
 516695496 +FMS Inc., 4915 South Union Avenue, Tulsa, OK 74107-7839
 516710571 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, Dept. 55953, P O Box 55000, Detroit, MI. 48255-0953)
 516695495 +First Bankcard/Overstock.com, PO Box 2557, Omaha, NE 68103-2557
 516695497 +Ford Motor Credit, PO Box 542000, Omaha, NE 68154-8000
 516695498 Ford Motor Credit Co., P. O. Bos 542000, Omaha, NE 68154-8000
 516768304 +GM Financial, PO Box 183834, Arlington, TX 76096-3834
 516695499 +Harley Davidson Financial Services, Dept 15129, Palatine, IL 60055-0001
 516762369 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 516695500 +Hazlet Township Tax Collector, 1766 Union Avenue, Hazlet, NJ 07730-2444
 516695501 +Home Depot Credit Service, P. O. Box 790328, Saint Louis, MO 63179-0328
 516695502 +Kathleen R. Wall, Esq., 2640 Highway 70, Suite 9-A, PO Box A, Manasquan, NJ 08736-0631
 516768305 +LVNV Funding LLC, 625 Pilot Road, #3, Las Vegas, NV 89119-4485
 516768306 +Macy's, 9111 Duke Boulevard, Mason, OH 45040-8999
 516695505 +Monmouth Plastic Surgery PC, PO Box 8004, Red Bank, NJ 07701-8004
 516695507 Northern Monmouth County Medical Assoc, PO Box 416693, Boston, MA 02241-6693
 516695509 +Powers Kirn, LLC, 728 Marne Highway, Suite 200, Moorestown, NJ 08057-3128
 516695511 RMC Meridian Health, C/O Keystone Financial Services, PO Box 730, Allenwood, NJ 08720-0730
 516695510 +Raymour & Flanigan, 7248 Morgan Road, Liverpool, NY 13090-4535
 516695512 Shellpoint Mortgage Servicing, PO Box 1410, Troy, MI 48099-1410
 516754822 +Slomins, POB 505, West Caldwell, NJ 07007-0505
 516768309 +Synchrony Bank, C/O Midland Funding, 1037 Raymond Boulevard, Suite 710, Newark, NJ 07102-5427
 516791549 THE BANK OF NEW YORK MELLON FKA THE BANK, c/o Bank of America, PO Box 31785, Tampa, FL 33631-3785
 516695514 +Taylor & O'Brien, Attys at Law, 175 Fairfield Avenue, PO Box 505, Caldwell, NJ 07007-0505
 516695515 +The Bank of New York Mellon, 1800 Tapo Canyon Road, Simi Valley, CA 93063-6712
 516695516 +The Port Authority Of NY & NJ, Violations Bureau, PO Box 15186, Albany, NY 12212-5186
 516906124 +The Provident Bank, 865 Poole Avenue, Hazlet, NJ 07730-2041
 516768310 +Thrift Investment Corp., PO Box 538, Fords, NJ 08863-0538
 516695517 +Township of Hazlet, P.O. Box 371, 1776 Union Avenue, Hazlet, NJ 07730-2444
 516695519 +US Bank Cust for BV001 Trust, C/O Blue Virgo Capital Management, LLC, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2516
 516695520 +Verizon Wireless, PO Box 4003, Acworth, GA 30101-9004

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbank@usdoj.gov Nov 28 2017 23:06:51 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 28 2017 23:06:47 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 cr E-mail/Text: ally@ebn.phinsolutions.com Nov 28 2017 23:06:05 Ally Capital Serviced by Ally Servicing, LLC, POB 130424, Roseville, MN 55113-0004
 516820124 E-mail/Text: ally@ebn.phinsolutions.com Nov 28 2017 23:06:05 Ally Capital, PO Box 130424, Roseville MN 55113-0004
 516695491 +E-mail/Text: ally@ebn.phinsolutions.com Nov 28 2017 23:06:05 Ally Financial, PO Box 380902, Bloomington, MN 55438-0902
 516695492 +E-mail/Text: ally@ebn.phinsolutions.com Nov 28 2017 23:06:05 Ally Financial, 200 Renaissance Center, Detroit, MI 48243-1300
 516744793 E-mail/PDF: resurgentbknofications@resurgent.com Nov 28 2017 23:09:59 CACH, LLC, PO Box 10587, Greenville, SC 29603-0587
 516695494 +E-mail/PDF: creditonebknofications@resurgent.com Nov 28 2017 23:10:06 Credit One, PO Box 98873, Las Vegas, NV 89193-8873

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 3
Total Noticed: 66

Date Rcvd: Nov 28, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516768303 +E-mail/Text: Banko@frontlineas.com Nov 28 2017 23:07:52 Frontline Asset Strategies, LLC,
2700 Snelling Avenue N Suite 250, Roseville, MN 55113-1783
516821732 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 28 2017 23:09:58
LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
516695503 +E-mail/Text: bk@lendingclub.com Nov 28 2017 23:07:17 Lending Club Corp.,
71 Stevenson Street Suite 300, San Francisco, CA 94105-2985
516822750 E-mail/Text: bkr@cardworks.com Nov 28 2017 23:06:03 MERRICK BANK,
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
516901830 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 28 2017 23:06:46 MIDLAND FUNDING LLC,
PO BOX 2011, WARREN, MI 48090-2011
516695504 E-mail/Text: bkr@cardworks.com Nov 28 2017 23:06:03 Merrick Bank, PO Box 9201,
Old Bethpage, NY 11804-9001
516768307 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 28 2017 23:06:46 Midland Funding,
2365 Northside Drive, Suite 30, San Diego, CA 92108-2709
516695506 +E-mail/Text: kmorgan@morganlaw.com Nov 28 2017 23:07:33 Morgan, Bornstein And Morgan,
1236 Brace Road Suite K, Cherry Hill, NJ 08034-3229
516695508 +E-mail/Text: bankruptcies@orangela.com Nov 28 2017 23:06:07 Orange Lake Country,
8505 W Irlo Bronson Hwy, Kissimmee, FL 34747-8201
516695513 +Fax: 516-933-1697 Nov 28 2017 23:32:18 Slomin's Inc, 125 Lauman Lane,
Hicksville, NY 11801-6539
516696585 +E-mail/PDF: gecsedirecoverycorp.com Nov 28 2017 23:03:59 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
516768308 +E-mail/PDF: gecsedirecoverycorp.com Nov 28 2017 23:03:59 Synchrony Bank,
950 Forrer Boulevard, Kettering, OH 45420-1469
516695518 +E-mail/PDF: gecsedirecoverycorp.com Nov 28 2017 23:03:48 Toys R Us, PO Box 530938,
Atlanta, GA 30353-0938
516823669 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 28 2017 23:10:01 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Bonfiglio & Asterita, LLC, 900 South Avenue, Suite 101, Staten Island, NY 10314-3427
516695489 ##+ACB Receivables, 19 Main Street, Asbury Park, NJ 07712-7012

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 30, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on November 27, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Harley-Davidson Credit Corp dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
John R. Morton, Jr. on behalf of Creditor Thrift Investment Corporation
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
John R. Morton, Jr. on behalf of Creditor Ally Capital Serviced by Ally Servicing, LLC
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Patrick Moscatello on behalf of Debtor Thomas M Ricchiuti moscatellolaw1@gmail.com,
moscatellolaw2@gmail.com;moscatellolaw2@comcast.net

District/off: 0312-3

User: admin
Form ID: pdf901

Page 3 of 3
Total Noticed: 66

Date Rcvd: Nov 28, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Patrick Moscatello on behalf of Joint Debtor Jennifer M Ricchiuti moscatellolaw1@gmail.com,
moscatellolaw2@gmail.com;moscatellolaw2@comcast.net
Sean M. O'Brien on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES
2007-C sobrien@flwlaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor New Penn Financial, LLC dba Shellpoint Mortgage
Servicing ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor New Penn Financial, LLC dba Shellpoint
Mortgage Servicing ecf@powerskirn.com

TOTAL: 11